

FILED

NOV 29 2007

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Criminal No. 07CR3064-BEN
	)	
Plaintiff,	)	CONSENT TO RULE 11 PLEA TO A
	)	VIOLATION OF 8 U.S.C. SECTION
v.	)	1326 (a) and (b) IN A FELONY
	)	CASE BEFORE UNITED STATES
JAVIER PONTAZA-ARRIETA,	)	MAGISTRATE JUDGE, WAIVER OF
	)	PRESENTENCE REPORT AND WAIVER
Defendant.	)	OF OBJECTIONS FOR IMMEDIATE
	)	SENTENCING

I have been advised by my attorney and by the United States Magistrate Judge of my right to enter my plea in this case before a United States District Judge. I hereby declare my intention to enter a plea of guilty in the above case, and I request and consent to have my plea taken by a United States Magistrate Judge pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

I understand that if my plea of guilty is taken by the United States Magistrate Judge, and the Magistrate Judge recommends that the plea be accepted, the assigned United States District Judge will then decide whether to accept or reject any plea agreement I may have with the United States and will adjudicate guilt and impose sentence.

I further understand that due to my request for immediate

1 sentencing in this case, I am waiving the preparation of a  
2 presentence report and I am also waiving any objections I may  
3 have to the Magistrate Judge's findings and recommendation  
4 concerning the entry of my guilty plea.

5  
6  
7 Dated: 11/29/07

Javier Pontaza Arrieta  
JAVIER PONTAZA-ARRIETA  
Defendant

8  
9  
10  
11 Dated: 11/29/07

Howard B. Frank  
HOWARD B. FRANK  
Attorney for Defendant

12  
13 The United States Attorney consents to have the plea in this  
14 case taken by a United States Magistrate Judge pursuant to  
15 Criminal Local Rule 11.2 and further waives a presentence report  
16 in this case as well as any objections to the Magistrate Judge's  
17 findings and recommendation concerning the entry of the guilty  
18 plea.

19  
20  
21 Dated: 11/29/07

Charlotte E. Moore  
JEFF MOORE  
Assistant United States Attorney